



Regulatory Update

Water Permitting and Compliance

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Topics

- Virginia Pollutant Discharge Elimination System (VPDES) Permitting
- VPDES Compliance
- Stormwater Management



VPDES Permitting



Chesapeake Bay Nutrient Watershed VPDES General Permit

- State Water Control Board (SWCB) approved Nutrient Watershed GP in December 2016.
- Permit became effective January 1, 2017 and coverage letters sent February 28, 2017.
- Use of e-DMR starting with April 10th submittal



Chesapeake Bay Nutrient Watershed VPDES General Permit

- The assignment of Phase 2 DO-based Phosphorus reductions for significant dischargers in the James River Basin.
- Increased monitoring frequencies for some categories of dischargers.
- Aggregating samples to save analytical costs is allowed.
- New monitoring quantification level requirements for Nitrogen compounds.



VPDES General Permits

Development in 2017:

- Vehicle Wash
- Petroleum Contaminated Sites & Hydrostatic Testing
- Noncontact Cooling Water
- Potable WTP
- Concrete Products
- Pesticide
- Industrial Stormwater
- Stormwater Construction
- MS4



316(b) Final Rule Cooling Water Intake Structures (*CWIS*)

- Effective Date of federal rule: October 14, 2014
- Addresses fish mortality due to impingement at the entrance of CWIS of existing power-generators and manufacturers
- Targeted to apply to facilities with intakes designed to withdraw more than 2 MGD, with at least 25% of water withdrawn used for cooling purposes
- DEQ incorporating into VPDES regulation



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Coal Ash Dewatering VPDES Permits

- Applied a water-quality based strategy based on federal regulations, effluent limitation guidelines, and EPA policy documents
- Used very conservative modeling assumptions:
 - Numeric effluent limits were established, even if WQ standards were not expected to be exceeded;
 - Mixing zones were substantially reduced in size; and
 - Monitoring & reporting frequencies were increased



Coal Ash Dewatering VPDES Permits

- Dominion Possum Point permit was challenged by the Potomac Riverkeeper
 - November 2016: the Richmond Circuit Court upheld DEQ's permit and dismissed the appeal
- Temporary advanced wastewater treatment systems and on-site laboratory facilities were designed, approved, and installed at three facilities
- Permit documents and weekly effluent sampling reports have been publicly posted on the DEQ agency website



2017 Legislation

Executive Order 52

- **HB 1619** – directs the Board to review the basis for allocations in the Water Quality Management Planning Regulation and propose to either reallocate or reserve unneeded allocations
- **HB 2311** – directs DEQ to develop procedures to govern the distribution of moneys from the Nutrient Offset Fund



VPDES Compliance



Federal e-Reporting Rule

- Replaces much of the currently-required paper-based NPDES reporting with electronic reporting
- Obtains required information directly from the source where data is generated
- Provides cost savings to EPA & states, due to streamlining the processing of DMR data & report reviews
- Includes a phased implementation approach for electronic reporting



Federal e-Reporting Rule

Phase 1 completed by December 21, 2016

- Regulated entities that currently submit DMRs begin to submit these reports electronically, instead of on paper
- Regulated entities where EPA implements the Federal Biosolids Program must begin submitting annual program reports electronically to EPA (this includes Virginia)
- State regulatory authorities were to begin sharing their permit, inspection, violation, and enforcement data electronically with EPA
- State regulatory authorities will submit an Implementation Plan for Phase 2 to EPA



e-DMR Compliance Deadlines

Individual VPDES Permits – January 26, 2018

Watershed Nutrient General Permit – March 26, 2018

Industrial Stormwater General Permit – July 26, 2018



Virginia's Current e-DMR Permit Type Participants

VPDES	Permits	e-DMR Participants	e-DMR % Participation
MAJORS	150	117	78%
MINORS	731	560	77%
SWIGP	1254	294	23%
NTGP	139	79	91%



Industrial & Domestic Sewage Inspections

- Risk Based Inspection Strategy (RBIS) is used to develop the agency inspection plan submitted to EPA for the fiscal year
- VADEQ, at a minimum, is required to inspect 10% of the Industrial Stormwater permittees annually
- Major facilities are inspected at a frequency of every 2 to 3 years contingent upon compliance history. All other facilities are inspected once every 5 years at a minimum.
- In FFY2016, VADEQ inspected 54 major facilities, 513 non-major facilities, 255 facilities covered by Industrial Stormwater general permit, and conducted 16 pretreatment POTW Audits of industrial users



Stormwater Management



Municipal Separate Storm Sewer System (MS4) Permits

- All Phase I MS4 Permits have been reissued
- Arlington's reissuance application is due Dec 2017
- VDOT individual MS4 permit issued this summer
- DEQ finalized Local TMDL action plan guidance (GM 16-2006) that applies to Small MS4s and the Phase I MS4s



Small MS4 General Permit

EPA finalized the MS4 Remand Rule for Small MS4 General Permit in November 2016

- Allows for public participation
- Includes clear, specific, and measurable requirements for Minimum Control Measures and TMDL Action Plans

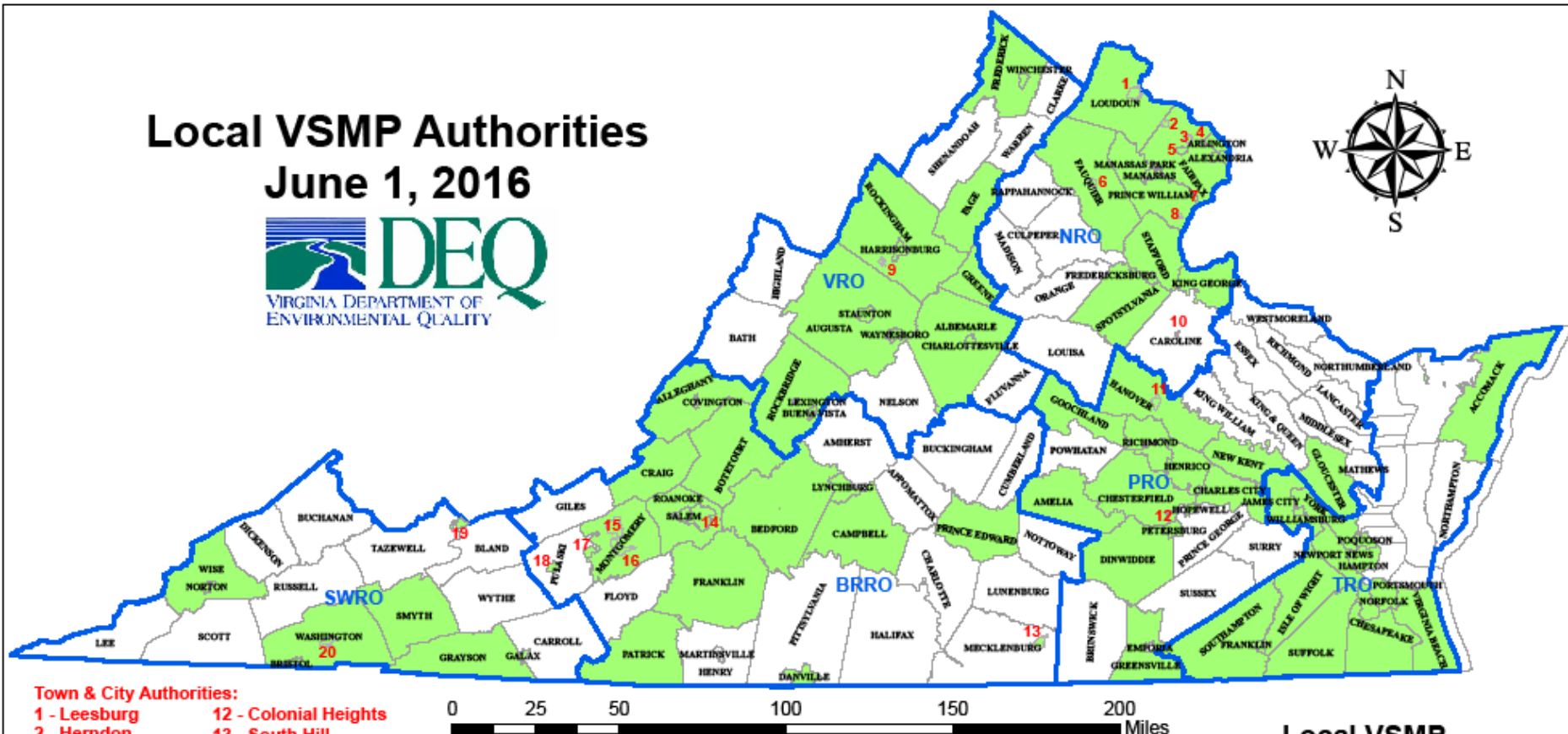


Small MS4 General Permit

- General Permit coverage expires June 30, 2018
- 9 Technical Advisory Committee (TAC) meetings
- Proposed regulation going before the SWCB in December 2017
- Anticipate final adoption in Spring 2018



Local VSMP Authorities June 1, 2016



Town & City Authorities:

- | | |
|--------------------|-----------------------|
| 1 - Leesburg | 12 - Colonial Heights |
| 2 - Herndon | 13 - South Hill |
| 3 - Vienna | 14 - Roanoke |
| 4 - Falls Church | 15 - Blacksburg |
| 5 - Fairfax | 16 - Christiansburg |
| 6 - Warrenton | 17 - Radford |
| 7 - Occoquan | 18 - Pulaski |
| 8 - Dumfries | 19 - Bluefield |
| 9 - Bridgewater | 20 - Abingdon |
| 10 - Bowling Green | |
| 11 - Ashland | |

Note: Opt-out totals include counties and cities that did not adopt a local VSMP.

Local VSMP

- DEQ Regional Offices
- Opt-out
- Local Authorities

54

94



Construction General Permit

- Presently approximately 6,000 active sites
- Statewide in Calendar Year 2016:
 - 1,246 Construction General Permits Issued
 - 623 Permit Terminations
 - DEQ reviewed 837 plans were reviewed including resubmittals
- 45 Annual Standards and Specification holders are having their specs renewed and updated



Construction General Permit

- General Permit coverage expires June 30, 2019
- Notice of Intended Regulatory Action (NOIRA) published October 16, 2017
- First TAC meeting in January 2018



Construction Inspections

- 2016 - 2017 Compliance Monitoring Strategy focuses on empowering the local VSMP Authorities, increased field presence, and improving rate of compliance
- DEQ, at a minimum, was required by EPA's July 2014 National Compliance Strategy to inspect 10% of active construction sites by September 30, 2017 (588)
- Inspections conducted by the local VSMP and provided to VADEQ can count toward the agency's goal
- In FFY2016, October 1, 2015 - September 30, 2016, VADEQ conducted 1,179 inspections at 658 active construction sites



Erosion and Sediment Control

Local Program Review

- §62.1-44.15:52(D) of the Virginia Erosion and Sediment Control Law and 9VAC25-840-90(B) of the Virginia Erosion and Sediment Control Regulations, requires the State Water Control Board (Board) to conduct a review and evaluation of all locally-operated erosion and sediment control (ESC) programs in order to ensure that the programs meet the minimum standards of effectiveness in controlling soil erosion, sediment deposition and nonagricultural runoff.
- DEQ conducted a pilot study of the Local Program Review process during 2017 in order to create, revise and evaluate procedures, guidance documents, assessment tools and correspondence letters.
- DEQ will continue ESC Local Program Review moving forward.



2017 Legislation

HB 1774 – Rural Tidewater Stormwater Work Group

- Directs DEQ to participate in a work group to consider alternative stormwater management methods in rural Tidewater.
- Last meeting was on November 29, 2017
- Presenting recommendations this week
- Delays the effective date of the 2016 stormwater and E&S consolidation bills for an additional year



HB 2009 – Stormwater Third Party Professionals

Clarifies that a Virginia Stormwater Management Program (VSMP) or Virginia Erosion & Stormwater Management Program (VESMP) authority may hire certified third-party professionals to administer any or all aspects of a program for the management of stormwater and erosion control,

- including plan review and inspection
- but not including enforcement



HB 2076 / SB 1127 – Soil Scientists

- The VSMP regulations currently require stormwater management plans that include activities regulated under Title 54.1 Ch. 4 (architects, engineers, surveyors and landscape architects) to be signed by a registered professional
- This bill will require a change to the regulation to include Ch. 22 professionals (soil scientists, wetland professionals, and geologists)



Any Questions?

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